

**MONDAY, FEBRUARY 1, 1999**

**SECOND LEGISLATIVE DAY**

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Pastor Keith Frasier, International World Outreach Center, Nashville, Tennessee.

Representative Armstrong led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present .....95

Representatives present and not voting were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Jackson; personal reasons.

Representative Odom; business reasons.

**MESSAGE FROM THE SENATE**  
**January 21, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 16; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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**SIGNED  
January 21, 1999**

The Speaker signed the following: Senate Bill(s) No(s). 16.

**MESSAGE FROM THE SENATE  
February 1, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 33; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 33** -- General Assembly, Joint Conventions - State of the State address, February 8, 1999. by \*Crutchfield.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 2** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Civil Procedure. by \*Buck.

House Judiciary Committee

**\*House Resolution No. 3** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Appellate Procedure. by \*Buck.

House Judiciary Committee

**\*House Resolution No. 4** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Evidence. by \*Buck.

House Judiciary Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 4, 1999:

**House Joint Resolution No. 9** -- Memorials, Recognition and Thanks - Ed Day, 50 years service to scouting. by \*Hargett.

**House Joint Resolution No. 10** -- Memorials, Recognition and Thanks - Craigmont Middle School and Craigmont High School, organizers of Memphis City Schools Honduran Relief Project. by \*Hargett.

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**House Joint Resolution No. 11** -- Memorials, Academic Achievement - Katori Hall, National Council of Teachers of English Achievement Award in Writing. by \*Hargett, \*Garrett.

**House Joint Resolution No. 13** -- Memorials, Personal Achievement - Nicole Hassold, ThinkQuest Contest. by \*Hargett.

**House Joint Resolution No. 14** -- Memorials, Personal Achievement - Kyle Thomas, ThinkQuest Contest. by \*Hargett.

**House Joint Resolution No. 15** -- Memorials, Academic Achievement - Kyle Thomas, Civitan Valley District Essay Contest, 1st place winner. by \*Hargett.

**House Joint Resolution No. 16** -- Memorials, Personal Achievement - Ellie Meek, 1998 Miss Tennessee Junior National Teenager. by \*Hargett.

**House Joint Resolution No. 17** -- Memorials, Personal Achievement - Arne Frerichs, Women in Science. by \*Hargett.

**House Joint Resolution No. 18** -- Memorials, Sports - Houston High School girls' soccer team, 1998 state champions. by \*Scroggs.

**House Joint Resolution No. 20** -- Memorials, Recognition and Thanks - James H. Burnett III. by \*Davis (Cocke), \*Whitson, \*McDaniel, \*Boyer.

**House Joint Resolution No. 22** -- Memorials, Sports - University of Tennessee football team and Coach Phillip Fulmer, 1998 national champions. by \*Ridgeway.

**House Joint Resolution No. 23** -- Memorials, Sports - Coach Joel Helton and Knox County Central High School football team. by \*Dunn, \*Tindell.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 50** -- Traffic Safety - Requires driver and passenger of motorcycle, motorized bicycle or motor-driven cycle to wear "motorcycle helmet" instead of "crash helmet"; exempts persons 21 years old and older from such requirement. Amends TCA Section 55-9-302(a). by \*Phelan.

**\*House Bill No. 51** -- Teachers, Principals and School Personnel - Provides for \$3,000 annual bonus to teachers who have achieved certification by the National Board for Professional Teaching Standards. Amends TCA Title 49, Chapter 5, Part 56. by \*Davidson, \*Winningham.

**\*House Bill No. 52** -- School Transportation - Provides for special procedures for transportation of special needs or medically fragile children. Amends TCA Title 49, Chapter 6, Part 21. by \*Williams (Williamson).

**\*House Bill No. 53** -- Tobacco, Tobacco Products - Provides that nothing in excise or franchise tax law shall be construed to prohibit tobacco companies from doing business in Tennessee. Amends TCA Title 67, Chapter 4, Parts 8 and 9. by \*Rhinehart.

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**\*House Bill No. 54** -- Taxes, Franchise - Redefines "medical supplies" for franchise and excise tax purposes to remove apparatus and appliances used in providing patient care services. Amends TCA Title 67, Chapter 4, Part 8 and Title 67, Chapter 4, Part 9. by \*Rhinehart.

**\*House Bill No. 55** -- Public Health and Health Care - Requires limited liability companies to obtain license to operate health care facilities. Amends TCA Title 68, Chapter 11. by \*Rhinehart.

**\*House Bill No. 56** -- Corporations, Not for Profit - Authorizes attorney general to conduct prior review of acts or transactions of not-for-profit corporations. Amends TCA Title 48, Chapter 51; Title 48, Chapter 53 and Title 48, Chapter 62. by \*Rhinehart.

**\*House Bill No. 57** -- Pensions and Retirement Benefits - Revises retirement benefits for certain members of TCRS. Amends TCA Section 8-36-208. by \*Rhinehart.

**\*House Bill No. 58** -- Pensions and Retirement Benefits - Removes requirement that to receive retirement credit for services rendered as attorney general member must have been employed as attorney general on date that state assumed employee contributions on behalf of such attorney general. Amends TCA Section 8-34-627(a). by \*Rhinehart.

**\*House Bill No. 59** -- Tennessee Valley Authority - Increases from 20 to 30 percent cap on TVA in lieu of tax impact funds which may be allocated to University of Tennessee for operation of CTAS. Amends TCA Title 67, Chapter 9, Part 1. by \*Rhinehart, \*Curtiss.

**\*House Bill No. 60** -- Statutes - Clarifies application of Chapter 1027, Public Acts of 1998 to garage keepers. Amends TCA Section 66-19-103. by \*Buck.

**House Bill No. 61** -- State Symbols - Adopts as Tennessee state tartan design approved by Heart of Tennessee Scottish Celebration and other Scottish Societies in Tennessee. Amends TCA Title 4, Chapter 1, Part 3. by \*Eckles, \*Hood.

**House Bill No. 62** -- Teachers, Principals and School Personnel - Provides for bonus for teachers who achieve National Board for Professional Teaching Standards certification. Amends TCA Title 49, Chapter 5, Part 56. by \*Davidson.

**\*House Bill No. 63** -- Annexation - Increases time period for effectiveness of annexation by ordinance from 30 to 45 days. Amends TCA Title 6. by \*Odom.

**\*House Bill No. 64** -- County Government - Requires county attorneys to advise county officials about state and federal laws applicable to officials' duties. Amends TCA Title 5. by \*Odom.

**\*House Bill No. 65** -- Consumer Protection - Authorizes secretary of state to create consumer affairs offices in Memphis, Knoxville and Nashville. Amends TCA Titles 4, 8 and 47. by \*Odom.

**\*House Bill No. 66** -- Employees, Employers - Reduces from 12 to eight number of hours considered reasonable for employee to leave premises after voluntary or involuntary dismissal. Amends TCA Title 4 and Title 50. by \*Odom.



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**\*House Bill No. 67** -- State Government - Requires governor to submit legislation to revise TCA to reflect changes in governmental structure made by executive order. Amends TCA Title 4. by \*Odom.

**\*House Bill No. 68** -- Administrative Procedure - Increases from five to ten number of persons required to petition agency for adoption or repeal of regulation. Amends TCA Title 4. by \*Odom.

**\*House Bill No. 69** -- General Assembly - Creates presumption that estimated amount of expenditures in fiscal note of any general bill shall be amount of first year's funding required under §24, Art. II of Constitution, if bill is enacted. If bill is amended, fiscal note shall be promptly revised for increase or decrease in expenditures. Amends TCA Title 3. by \*Odom.

**\*House Bill No. 70** -- Financial Disclosure - Increases from three to five number of business days in which registry of election finance must give notice of records inspection. Amends TCA Title 2, Chapter 10 and Title 3. by \*Odom.

**\*House Bill No. 71** -- Ethics - Increases from five to ten days time period for registration as lobbyist. Amends TCA Title 2, Chapter 10; Title 3, Chapter 6 and Title 8, Chapter 50, Part 5. by \*Odom.

**\*House Bill No. 72** -- General Assembly - Requires amendment of disclosure statement by members of the general assembly within 90 days of change of circumstances. Amends TCA Title 2, Chapter 10; Title 3 and Title 8, Chapter 50. by \*Odom.

**\*House Bill No. 73** -- Tennessee Regulatory Authority - Increases from 40 to 50 miles area of operation of airport limousines. Amends TCA Titles 2, 3, 7, 8, 39, 48, 55, 65, and 67. by \*Odom.

**\*House Bill No. 74** -- Redistricting, Congressional - Requires house redistricting plans to comply with federal statutes and United States Supreme Court rulings. Amends TCA Title 2 and Section 3-1-103. by \*Odom.

**\*House Bill No. 75** -- Redistricting, Congressional - Moves VTD ZZZZ from district 9 to district 8. Amends TCA Title 2, Chapter 16. by \*Odom.

**\*House Bill No. 76** -- Lobbying, Lobbyists - Changes time period for registration as lobbyist from five days to five business days. Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by \*Odom.

**\*House Bill No. 77** -- Redistricting, Congressional - Requires senate redistricting plans to comply with federal statutes. Amends TCA Title 2 and Title 3, Chapter 1. by \*Odom.

**\*House Bill No. 78** -- Election Laws - Requires election commissions to verify that documents are properly filed at time of filing; establishes conclusive presumption that requirements met and document timely filed. Amends TCA Title 2. by \*Odom.

**\*House Bill No. 79** -- Statutes - Creates method to fill vacancy on Tennessee code commission if member incapacitated. Amends TCA Title 1. by \*Odom.

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**\*House Bill No. 80** -- Appropriations - Appropriates funds to operate state government for fiscal year 1999-2000. by \*Odom.

**\*House Bill No. 81** -- Local Government, General - Requires municipalities and counties to act in best interest of all citizens with state and local revenues so services will be provided in most cost-effective manner possible. Amends TCA Titles 5; 6; 7; 13; 54; 57; 67; 68 and 69. by \*Odom.

**\*House Bill No. 82** -- Municipal Government - Requires approval of special census after annexation to be given by office of local government rather than the state planning office (abolished). Amends TCA Title 6. by \*Odom.

**\*House Bill No. 83** -- Local Government, General - Authorizes employee organizations to represent employees before civil service commissions. Amends TCA Title 7. by \*Odom.

**\*House Bill No. 84** -- State Employees - Requires state to provide financial planning seminars for state employees. Amends TCA Title 8. by \*Odom.

**\*House Bill No. 85** -- Local Government, General - Changes period of time for election to be held to elect members of charter commission for metropolitan government from 46-60 days to 45-90 days. Amends TCA Title 7. by \*Odom.

**\*House Bill No. 86** -- State Employees - Requires periodic salary increases to equal 8 percent. Amends TCA Title 8. by \*Odom.

**\*House Bill No. 87** -- TennCare - Provides coverage for former state employees through TennCare once COBRA benefits are exhausted. Amends TCA Title 8, Chapter 27; Title 12, Chapter 8; Title 56; Title 68 and Title 71. by \*Odom.

**\*House Bill No. 88** -- Civil Service - Reduces time for rating civil service tests from four months to 90 days. Amends TCA Title 8, Chapter 30. by \*Odom.

**\*House Bill No. 89** -- Notice, Public - Requires members of boards and commissions to be made aware of Sunshine Law. Amends TCA Title 8. by \*Odom.

**\*House Bill No. 90** -- Pensions and Retirement Benefits - Authorizes direct deposit of retirement benefits. Amends TCA Title 8, Chapters 34 through 38. by \*Odom.

**\*House Bill No. 91** -- Public Funds and Financing - Provides for liaison from comptroller's office to taxing entities to inform such entities of audit requirements. Amends TCA Title 9. by \*Odom.

**\*House Bill No. 92** -- Budget Procedures - Clarifies that budget should outline proposals for capital projects. Amends TCA Title 9, Chapter 6. by \*Odom.

**\*House Bill No. 93** -- Libraries - Limits examination and certification of librarians by state board of education to librarians and library assistants employed by schools in grades K-12. Amends TCA Title 10. by \*Odom.

**\*House Bill No. 94** -- Public Records - Requires administrative officials to inform employees about requirements of public records law. Amends TCA Title 10. by \*Odom.

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**\*House Bill No. 95** -- Tennessee Wildlife Resources Agency - Gives commissioner three years instead of two years to complete comprehensive plan of development and protection for area acquired for preservation. Amends TCA Title 11. by \*Odom.

**\*House Bill No. 96** -- Public Property - Requires governor to provide copies of state property inventory to state officials in computer readable formats. Amends TCA Title 12. by \*Odom.

**\*House Bill No. 97** -- Zoning - Changes from ten to 30 days time period in which certificate of compliance must be returned after building permit has expired. Amends TCA Title 13. by \*Odom.

**\*House Bill No. 98** -- Holidays and Days of Special Observance - Establishes Secretaries Day as special day of observance. Amends TCA Title 15. by \*Odom.

**\*House Bill No. 99** -- Courts - Requires municipalities to reimburse counties when general sessions judges sit for municipal judge. Amends TCA Title 16. by \*Odom.

**\*House Bill No. 100** -- Judges and Chancellors - Changes time from ten days to ten business days within which special joint committee of general assembly shall file report regarding recommendation from court of the judiciary to remove judge. Amends TCA Title 17. by \*Odom.

**\*House Bill No. 101** -- Judicial Officers - Increases from 90 to 120 days time period in which clerks must give notice of destruction of records to state librarian. Amends TCA Title 18. by \*Odom.

**\*House Bill No. 102** -- Civil Procedure - Increases from \$125 to \$150 civil forfeiture for failure to mark date on which process is issued and date on which such process is received by the sheriff or other officer. Amends TCA Title 20. by \*Odom.

**\*House Bill No. 103** -- Courts, Chancery - Reduces from three to two years time in which default judgment becomes absolute. Amends TCA Title 21. by \*Odom.

**\*House Bill No. 104** -- Attorneys at Law - Increases time from two to five years within which supreme court may revoke law license procured by fraud. Amends TCA Title 23. by \*Odom.

**\*House Bill No. 105** -- Juries and Jurors - Changes from ten days to ten business days time for notice of jury duty. Amends TCA Title 22. by \*Odom.

**\*House Bill No. 106** -- Judgments - Reduces from three to two years time in which judgment lien will be lost unless execution is taken out. Amends TCA Title 25. by \*Odom.

**\*House Bill No. 107** -- Limitation of Actions - Decreases from seven to six years time after decedent's death in which personal representative may be sued. Amends TCA Title 28. by \*Odom.

**\*House Bill No. 108** -- Civil Procedure - Increases from 30 to 45 days time in which execution or other process will issue to enforce foreign judgment after service on judgment debtor. Amends TCA Title 26. by \*Odom.

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**\*House Bill No. 109** -- Appeal and Review - Changes time for appeal from recorder's judgment from ten calendar days with Sundays excluded to ten business days. Amends TCA Title 27. by \*Odom.

**\*House Bill No. 110** -- Arbitration - Decreases time of filing from eight to six months when award is not fixed in submission. Amends TCA Title 29. by \*Odom.

**\*House Bill No. 111** -- Estates - Increases time period from 5 to 10 days to mail copies of filed exceptions on clerk's decisions to personal representative and its attorney of record. Amends TCA Title 30. by \*Odom.

**\*House Bill No. 112** -- Estates - Requires forms to be filed within 60 days rather than "promptly" with treasurer after actual knowledge of facts indicating possibility of escheat of property. Amends TCA Title 31. by \*Odom.

**\*House Bill No. 113** -- Estates - Reduces from ten to five years period of time in which will of testator who served as member of armed forces may be admitted to probate after end of hostilities. Amends TCA Title 32. by \*Odom.

**\*House Bill No. 114** -- Mental Illness - Decreases from ten to five days time in which court hospitalizing patient in mental health facility must be notified if such patient dies. Amends TCA Title 33. by \*Odom.

**\*House Bill No. 115** -- Education - Authorizes board of education to develop model grading policy. Amends TCA Title 49. by \*Odom.

**\*House Bill No. 116** -- Mental Health and Mental Retardation, Dept. of - Authorizes licensure of facilities to provide mental health care services under TennCare. Amends TCA Title 33; Title 47; Title 48 through Title 68 and Title 71. by \*Odom.

**\*House Bill No. 117** -- Guardianship - Reduces compensation of guardians from 7 to 5 percent of moneys received. Amends TCA Title 34. by \*Odom.

**\*House Bill No. 118** -- Fiduciaries - Increases notice period for resignation of trustee from ten to 20 days. Amends TCA Title 35. by \*Odom.

**\*House Bill No. 119** -- Welfare - Raises from six to seven age of child which exempts parent or caretaker from work requirement under welfare law. Amends TCA Title 33; Title 37; Title 68 and Title 71. by \*Odom.

**\*House Bill No. 120** -- Children - Decreases time Title IV-D support cases must be heard from 45 days to 30 days from service of process. Amends TCA Title 36. by \*Odom.

**\*House Bill No. 121** -- Divorce and Annulment - Levies \$10.00 fee on divorce; allocates fees to child abuse prevention. Amends TCA Title 36; Title 37 and Title 71. by \*Odom.

**\*House Bill No. 122** -- Adoption - Requires parents' signatures on petitions of adoption to be notarized. Amends TCA Title 36 and Title 37. by \*Odom.

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**\*House Bill No. 123** -- Juvenile Offenders - Requires notification of school principal prior to delinquent child's attendance if court orders such notice to be given. Amends TCA Title 37. by \*Odom.

**\*House Bill No. 124** -- Criminal Offenses - Increases from \$25.00 to \$30.00 maximum amount that can be charged by physician for performing autopsy and giving opinion as to cause of death in criminal proceeding. Amends TCA Title 38. by \*Odom.

**\*House Bill No. 125** -- Criminal Offenses - Defines "loitering on the property of another" as disorderly conduct. Amends TCA Title 39. by \*Odom.

**\*House Bill No. 126** -- Criminal Procedure - Reduces from 90 to 75 days time period in which record relating to punishment must be certified to court of appeals if no appeal of first degree murder conviction. Amends TCA Title 39 and Title 40. by \*Odom.

**\*House Bill No. 127** -- Criminal Procedure - States legislative finding that alternate sentences not appropriate for second offenders who injure victim. Amends TCA Title 38 through 41. by \*Odom.

**\*House Bill No. 128** -- Bad Checks - Increases from \$10.00 to \$15.00 handling charges to be paid for writing bad checks. Amends TCA Title 40. by \*Odom.

**\*House Bill No. 129** -- Penal and Reformatory Institutions - Allows county legislative body to appoint no more than five county residents to act as jail inspectors. Amends TCA Title 41. by \*Odom.

**\*House Bill No. 130** -- Aircraft and Airports - Increases quorum requirement of Tennessee aeronautics commission from two to three members. Amends TCA Title 42. by \*Odom.

**\*House Bill No. 131** -- Agriculture - Deletes requirement for annual report for Tennessee agricultural museum. Amends TCA Title 43. by \*Odom.

**\*House Bill No. 132** -- Livestock - Redefines "dairy farm" to include all milk producing animals in addition to cows. Amends TCA Title 44. by \*Odom.

**\*House Bill No. 133** -- Banks and Financial Institutions - Increases from 30 to 45 calendar days period of time in which application from bank with regulatory rating of 1 or 2 shall be deemed approved for branch facilities. Amends TCA Title 45. by \*Odom.

**\*House Bill No. 134** -- Cemeteries - Allows commissioner to terminate temporary permit for operating cemetery by giving written notice at least 20 days, instead of ten days, before effective date of termination. Amends TCA Title 46. by \*Odom.

**\*House Bill No. 135** -- Uniform Commercial Code - Increases from 30 to 45 days time period after notice in which warehouseman may remove stored goods. Amends TCA Title 47. by \*Odom.

**\*House Bill No. 136** -- Corporations, For Profit - Increases from 11 months to one year time period in which appointment of proxy is revocable. Amends TCA Title 48. by \*Odom.

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**\*House Bill No. 137** -- Unemployment Compensation - Requires nonprofit organization to make payment of bill no later than 30 business days, instead of 30 calendar days, after date such bill is mailed or given to such organization. Amends TCA Title 50, Chapter 7. by \*Odom.

**\*House Bill No. 138** -- Employees, Employers - Repeals requirement of occupational health and safety report to governor and general assembly. Amends TCA Title 50. by \*Odom.

**\*House Bill No. 139** -- Workers' Compensation - Changes notice requirement for revocation of certificate of compliance from 30 days to 30 calendar days. Amends TCA Title 50 and Title 56. by \*Odom.

**\*House Bill No. 140** -- Food and Food Products - Requires both hot and cold water in sinks provided for food service employees. Amends TCA Title 53. by \*Odom.

**\*House Bill No. 141** -- Highways, Roads and Bridges - Increases from 60 to 75 days period of time during which chief administrative officer of county must file inventory of equipment and supplies with county governing body after taking office. Amends TCA Title 54. by \*Odom.

**\*House Bill No. 142** -- Motor Vehicles - Increases from 200 to 250 feet distance required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55. by \*Odom.

**\*House Bill No. 143** -- DUI/DWI Offenses - Requires sheriff to file plan of access for drug and alcohol treatment organizations with department of mental health and mental retardation. Amends TCA Title 55, Chapter 10. by \*Odom.

**\*House Bill No. 144** -- Commerce and Insurance, Dept. of - Creates advisory board to commissioner and governor to review complaints against regulatory boards administered by department. Amends TCA Title 56. by \*Odom.

**\*House Bill No. 145** -- Insurance Companies, Agents, Brokers, Policies - Increases from three to five number of actuaries which may be employed by commissioner of commerce and insurance. Amends TCA Title 56. by \*Odom.

**\*House Bill No. 146** -- Insurance Companies, Agents, Brokers, Policies - Increases from 30 to 45 days period of time in which assessment is due to comprehensive health insurance pool. Amends TCA Title 56 and Title 71. by \*Odom.

**\*House Bill No. 147** -- Alcoholic Beverages - Increases from 20 to 25 days time period in which manufacturers and wholesale distributors of beer must register with commissioner. Amends TCA Title 57. by \*Odom.

**\*House Bill No. 148** -- Natural Disaster - Repeals provision requiring state employees to accept temporary or permanent assignment to emergency state mobile reserve. Amends TCA Title 58. by \*Odom.

**\*House Bill No. 149** -- Mining and Quarrying - Increases from 90 to 100 days time period in which backfilling, grading, top soiling and planting of cover crops required. Amends TCA Title 59. by \*Odom.

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**\*House Bill No. 150** -- Gas, Petroleum Products, Volatile Oils - Increases from ten to 20 days time period in which supervisor may grant or deny mineral test hole permit. Amends TCA Title 60. by \*Odom.

**\*House Bill No. 151** -- Business Organizations - Increases from three to four months time period in which proceedings to enforce claims must be filed against dissolved limited partnerships. Amends TCA Title 61. by \*Odom.

**\*House Bill No. 152** -- Private Protective Services - Assigns personal, civil and criminal liability to private security guard using unauthorized deadly force. Amends TCA Title 62. by \*Odom.

**\*House Bill No. 153** -- Health, Dept. of - Creates advisory board to commissioner and governor to review complaints against health related boards administered by division of health related boards in the department. Amends TCA Title 63. by \*Odom.

**\*House Bill No. 154** -- Regional Authorities - Deletes commissioner's option to require Tennessee Ocoee development agency to relinquish control and operation of projects to department of environment and conservation. Amends TCA Title 64. by \*Odom.

**\*House Bill No. 155** -- Telecommunications - Specifically includes cellular telephones within definition of "public utility." Amends TCA Title 65. by \*Odom.

**\*House Bill No. 156** -- Tennessee Regulatory Authority - Removes requirement that abstract of minutes of meeting be included in report to general assembly. Amends TCA Title 65. by \*Odom.

**\*House Bill No. 157** -- Personal Property - Increases from 180 to 200 days time period which garments may be left at drycleaners prior to sale by drycleaner. Amends TCA Title 66. by \*Odom.

**\*House Bill No. 158** -- Taxes - Reduces from 90 to 60 days time period in which dealer may deduct taxes paid on items returned upon which refund has been made. Amends TCA Title 67. by \*Odom.

**\*House Bill No. 159** -- Solid Waste Disposal - Increases from 30 to 45 days time in which appeal of final actions of region or authority may be made to chancery court. Amends TCA Title 68. by \*Odom.

**\*House Bill No. 160** -- Fireworks - Raises from ten to 14 age at which fireworks may be purchased. Amends TCA Title 68. by \*Odom.

**\*House Bill No. 161** -- Taxes, Income - Reduces from 30 to 20 days time period in which commissioner of revenue must remit tax revenues to comptroller. Amends TCA Title 67, Chapter 2. by \*Odom.

**\*House Bill No. 162** -- Taxes, Franchise - Increases from \$2,000 to \$2,500 amount of job tax credit that may be applied to franchise tax liability. Amends TCA Title 67, Chapter 4. by \*Odom.

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**\*House Bill No. 163** -- Environmental Preservation - Increases from 30 to 45 days time period in which hearing on final order may be requested. Amends TCA Title 68 and Title 69. by \*Odom.

**\*House Bill No. 164** -- Water - Authorizes state to exercise authority over effluents if federal government unable to perform duties due to budget shortfalls. Amends TCA Title 68 and Title 69. by \*Odom.

**\*House Bill No. 165** -- Water - Reduces from 30 to 15 days period of time in which report of well driller must be filed. Amends TCA Title 69. by \*Odom.

**\*House Bill No. 166** -- Welfare - Requires plans for foster care to be prepared within 90 days of placement. Amends TCA Title 71. by \*Odom.

**\*House Bill No. 167** -- Wildlife Resources Commission - Increases from one to two number of free sport fishing days. Amends TCA Title 70. by \*Odom.

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 27** -- Taxes, Exemption -- House Finance, Ways and Means Committee

**House Bill No. 28** -- Housing -- House State and Local Government Committee

**House Bill No. 29** -- Housing -- House State and Local Government Committee

**House Bill No. 30** -- Motor Vehicles -- House Commerce Committee

**\*House Bill No. 31** -- Taxes, Business -- House State and Local Government Committee

**\*House Bill No. 32** -- Highway Signs -- House Transportation Committee

**House Bill No. 33** -- Alcoholic Beverages -- House State and Local Government Committee

**\*House Bill No. 34** -- Criminal Offenses -- House Judiciary Committee

**\*House Bill No. 35** -- Litter Control -- House Judiciary Committee

**\*House Bill No. 36** -- Ethics -- House State and Local Government Committee

**House Bill No. 37** -- Foster Care -- House Judiciary Committee

**\*House Bill No. 38** -- Motor Vehicles, Titling and Registration -- House State and Local Government Committee



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**\*House Bill No. 39** -- Highway Signs -- House Transportation Committee

**House Bill No. 40** -- Rutherford County -- Local Bill Held on House Desk

**\*House Bill No. 41** -- Bail, Bail Bonds -- House Judiciary Committee

**\*House Bill No. 42** -- Capital Punishment -- House Judiciary Committee

**House Bill No. 43** -- Highway Signs -- House Transportation Committee

**\*House Bill No. 44** -- Teachers, Principals and School Personnel -- House Education Committee

**\*House Bill No. 45** -- Education -- House Government Operations Committee

**\*House Bill No. 46** -- Consumer Protection -- House Consumer and Employee Affairs Committee

**House Bill No. 47** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

**\*House Bill No. 48** -- Cemeteries -- House Transportation Committee

**\*House Bill No. 49** -- Highway Signs -- House Transportation Committee

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended to allow February 22, 1999 to serve as the bill filing deadline for the House regardless of Legislative Day count, which motion prevailed.

**RULES SUSPENDED**

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 33 out of order, which motion prevailed.

**Senate Joint Resolution No. 33** -- General Assembly, Joint Conventions - State of the State address, February 8, 1999. by \*Crutchfield.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Hargrove, the resolution was concurred in.

A motion to reconsider was tabled.

**ANNOUNCEMENTS**

**REPORT FILED**

The Clerk announced that pursuant to Senate Joint Resolution(s) No(s) 139 and 389 of the One Hundredth General Assembly, the Tennessee Advisory Commission on Intergovernmental Relations has filed its report on Financing Tennessee Government in the 21<sup>st</sup> Century with the Clerk's Office and that the same is available in the for review.

**REPORT FILED**

The Clerk announced that the Supreme Court has filed the proposed amendments to the rules of civil procedure, the rules of criminal procedure, and the rules of evidence with the Clerk's Office and that the same are available for review.

**REPORT FILED**

The Clerk announced that pursuant to TCA 50-7-506, the Department of Employment Security has filed its annual Unemployment Insurance Trust Fund Balance Report with the Clerk's Office and that the same is available for review.

**MESSAGE FROM THE SENATE**

**February 1, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 15; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 15** -- Memorials, Death - Senator T. Tommy Cutrer. by \*Henry, \*Cooper, \*Womack, \*Kyle, \*Springer, \*Graves, \*Davis L, \*Rochelle.

**MESSAGE FROM THE SENATE**

**February 1, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 3, 4, 5, and 6; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present .....96

## **MONDAY, FEBRUARY 1, 1999 -- SECOND LEGISLATIVE DAY**

Representatives present and not voting were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

### **RECESS MOTION**

On motion of Rep. Hargrove, the House recessed until 9:00 a.m., Thursday, February 4, 1999.